

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 1:12CR59-LG-RHW-4

BOBBY CHARLES MORGAN

ORDER DENYING MOTION TO REDUCE SENTENCE

The Defendant filed this [365] Pro Se Motion for Reduction of Sentence Pursuant to 18 U.S.C. 3582(c)(2), requesting that his offense level and guideline range be reduced “based on the *Alleyne v. United States*.” In *Alleyne v. United States*, 133 S. Ct. 2151, 2162 (2013), the Supreme Court held “that facts that increase mandatory minimum sentences must be submitted to the jury.” Because no count of conviction carried a mandatory minimum sentence in defendant’s case, (see Stmt. of Reasons 1 (¶1), ECF No. 182), the *Alleyne* case has no application to the defendant’s sentence.

The defendant also refers to 18 U.S.C. § 3582(c)(2). In November 2015, he received a sentence reduction from 126 months to 105 months pursuant to § 3582(c)(2). (See Order Regarding Mot. for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2) at 1, ECF No. 337). The defendant requests a reduction of his total offense level from 27 to 25, but this reduction has already been applied to defendant’s sentence by the Court’s Order. (*Id.* at 2, ECF No. 338). For these reasons, the defendant has not shown he is entitled to the relief requested.

IT IS THEREFORE ORDERED AND ADJUDGED that the defendant’s

[365] Pro Se Motion for Reduction of Sentence Pursuant to 18 U.S.C. 3582(c)(2) is
DENIED.

SO ORDERED AND ADJUDGED this the 7th day of February, 2017.

s/ *Louis Guirola, Jr.*

LOUIS GUIROLA, JR.
CHIEF U.S. DISTRICT JUDGE